

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MARK ENGLAND, et al.,  
Plaintiff,  
vs.  
LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, et al.,  
Defendants.

Case No. 2:07-cv-01238-PMP-GWF

## ORDER

## Motion for Sanctions (#113)

This matter comes before the Court on Plaintiffs' Motion for Sanctions against Defendant (#113), filed on December 6, 2012. Defendants filed a timely Response (#115) on December 21, 2012. Plaintiffs filed a timely Reply (#117) on January 2, 2013. Plaintiffs seek sanctions claiming Defendants did not participate at the settlement conference in good faith.

This case is a 42 U.S.C. § 1983 action arising out of an altercation between Plaintiff Mark England and Defendant Las Vegas Metropolitan Police Department at McCarran International Airport. The Court conducted a settlement conference on October 16, 2012 (“Conference”). At the Conference, Defendants’ sole offer was to waive Plaintiff Mark England’s Court-imposed sanction, *see Doc. #42*, in exchange for dismissal from the action. Plaintiffs argue this participation was not meaningful and warrants sanctions under Federal Rule of Civil Procedure 16(f)(2). Defendants respond that Defendants’ attendance at the Conference with parties with settlement authority and submission of a detailed settlement brief satisfied the good-faith requirements. Furthermore, Defendants argue that their settlement offer was reasonable and in good faith because of strong defenses to Plaintiffs’ claims. The Court agrees that good-faith participation does not necessitate a settlement offer to Plaintiffs’ satisfaction when Defendants have determined they have defenses sufficient to prevail at trial. Accordingly,

**IT IS HEREBY ORDERED** that Plaintiffs' Motion for Sanctions Against Defendant for Failing to Participate During the Settlement Conference in Good Faith (#113) is **denied**.

DATED this 7th day of January, 2013.

George Foley Jr.  
GEORGE FOLEY JR.

GEORGE FOLEY, JR.  
United States Magistrate Judge